

Appln. No. 10/692,474
Response to Restriction Requirement dated August 21, 2006
Reply to Office Action dated July 20, 2006

REMARKS

Applicants believe that Groups I and III should be rejoined and examined on the merits. Under M.P.E.P. § 803, restriction is proper only when two criteria are met: (A) The inventions must be independent or distinct as claimed; and (B) there would be a serious burden on the Examiner if restriction is not required. Without addressing the first issue, Applicants submit that no undue burden exists to examine the method claims of Group I with the elected product claims. In particular, Applicants note that the devices of Group III are used in the methods of Group I. As a result, there would not be a serious burden on the Examiner to examine both Groups because the art used to examine the two groups would be very similar.

The Examiner further requests that a specific species be elected referring to Figures 1-8. In response, Applicants elect the device with zinc as shown in Figure 5. Claims readable thereon include claims 51-53, 54, 57-60, 61 and 62. This election is made with traverse.

Applicants further believe that the search and consideration of more than a single species would not constitute a serious burden on the Examiner. Under M.P.E.P. § 808.01(a), restriction is proper only when two criteria are met: (A) There is a patentable difference between the species as claimed; and (B) there would be a serious burden on the Examiner if restriction is not required. Without addressing the first issue, Applicants again submit that no undue burden exists to examine the genus of zinc components set forth in Figures 1-8. In particular, Applicants note that the species of Figure 4 and Figure 5 differ by the use of a gel or by electroplating to attach the zinc ion to the device. As a result, there would not be a serious burden on the Examiner to examine these species.

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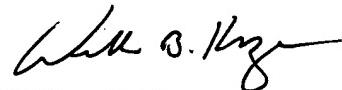
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CONCLUSION

In view of the foregoing, Applicants believe the pending claims in this Application are in condition for substantive review on the merits. Favorable consideration is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5015.

Respectfully submitted,



William B. Kezer
Reg. No. 37,369

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
#60839786